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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

In re J.S., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.S.,

Defendant and Appellant.

C061914

(Super.Ct.No. 64212)

The juvenile court found that J.S. (the minor) committed assault with a deadly weapon, personally used a dangerous weapon, personally inflicted great bodily injury, and committed the assault for the benefit of a criminal street gang. (Pen. Code, §§ 186.22, subd. (b)(1), 245, subd. (a)(1), 12022, subd. (b)(1), 12022.7, subd. (a).) The minor was continued as a ward of the juvenile court (Welf. & Inst. Code, § 602), was placed on probation, and was ordered to serve 270 days in juvenile hall.

On appeal, the minor contends there is insufficient evidence to support the great bodily injury allegation. We disagree and shall affirm the juvenile court's order.

FACTS

A fight broke out in the dining facility of the San Joaquin Juvenile Hall Camp. During breakfast in January 2009, one ward, E.R., struck another ward, F.S., in the head with the lid of his tray. The two then engaged in a fist fight.

The minor got up from his table and hit F.S. in the head with the hard plastic cover of his breakfast tray, swinging it "pretty hard" like a baseball bat. F.S. stumbled back and almost fell, but kept his feet and continued fighting. The minor joined the fight and attacked F.S. with closed fists. When the fight ended, the minor threw up the letter "L" sign with each hand, signifying the assailant's gang, the Loc Town Crips. Expert testimony opined the assault was to benefit the Loc Town Crips.

F.S. was found on the floor unable to fight back, his shaved head completely covered in blood. He suffered two "deep seated" lacerations to his head: one behind the right ear, requiring two staples, and another on top of his scalp, taking four staples.

The minor testified and denied hitting F.S. with a tray, watching the fight, or being a member of the Loc Town Crips.

DISCUSSION

In assessing the minor's claim that there is insufficient evidence to sustain the great bodily injury allegation, we review the whole record in the light most favorable to the finding to

determine if a reasonable trier of fact could find beyond a reasonable doubt that the minor inflicted great bodily injury. (*In re Jose R.* (1982) 137 Cal.App.3d 269, 275.) In doing so, we presume the existence of every fact the judge reasonably could deduce from the evidence, and we indulge in all reasonable inferences supporting the finding. (*Ibid.*)

Great bodily injury is "a significant or substantial physical injury." (§§ 12022.7, subd. (f), 12022.53.) This "standard contains no specific requirement that the victim suffer 'permanent,' 'prolonged' or 'protracted' disfigurement, impairment, or loss of bodily function." (*People v. Escobar* (1992) 3 Cal.4th 740, 750.) A great bodily injury finding must be upheld on appeal if it is supported by substantial evidence, even if the circumstances might reasonably be reconciled with a contrary finding. (*Ibid.*)

The minor admits he is liable for all injuries inflicted on F.S. (See *People v. Modiri* (2006) 39 Cal.4th 481, 496-497 [participant in a group attack liable for all injuries caused by the assault].) He asserts the victim's injuries were less serious than those in several cases where a great bodily injury enhancement was upheld on appeal. The minor claims there was no great bodily injury in this case because he did not sever any tendons, disable a body part, or cause a fracture, a momentary loss of consciousness, or disfigurement.

The injuries were documented with photographic evidence. We have seen the photographs, which show a substantial wound to the scalp, and a less serious, but still substantial, wound behind the

right ear. As a result of the attack, the victim's head was covered with blood, he was on the ground and unable to fight back, and his two head wounds needed six staples to heal. That great bodily injury allegations were upheld in cases involving arguably more serious wounds is of no consequence; the wounds inflicted by the minor are significant enough to support the great bodily injury allegation.

DISPOSITION

The juvenile court's order continuing the minor as a ward of the court is affirmed.

_____, SCOTLAND, P. J.

We concur:

_____, SIMS, J.

_____, ROBIE, J.